Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of	)	
	)	
	)	
Implementation of Section 25	)	MM Docket No. 93-25
of the Cable Television Consumer	)	
Protection and Competition Act	)	
of 1992	)	
	)	
Direct Broadcast Satellite	)	
Public Service Obligations	)	

REPLY COMMENTS OF PRIMESTAR PARTNERS L.P.

Benjamin J. Griffin
Kathleen A. Kirby
REED SMITH SHAW & McCLAY
1301 K Street, N.W.
Suite 1100 - East Tower
Washington, D.C. 20005
(202) 414-9200

Its Attorneys

May 30, 1997

TABLE OF CONTENTS

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of	)	
	)	
	)	
Implementation of Section 25 of the Cable Television Consumer Protection and Competition Act of 1992	)	MM Docket No. 93-25
	)	
	)	
	)	
	)	
Direct Broadcast Satellite Public Service Obligations	)	
	)	

REPLY COMMENTS OF PRIMESTAR PARTNERS L.P.

PRIMESTAR Partners L.P. ("PRIMESTAR"), by its attorneys, hereby submits its reply to the comments filed in response to the Public Notice ("*Notice*") released in the above-captioned proceeding on January 31, 1997.[1]

I. INTRODUCTION AND SUMMARY

The comments submitted in this proceeding are a testament to the mutual interest of diverse groups (including the direct broadcast satellite ("DBS") industry, children's advocates, consumers groups, educational and cultural institutions) in working together to create and distribute to the American public "noncommercial programming of an educational or informational nature" (hereinafter "public interest

---

1 FCC 97-24, released January 31, 1997.

programming"). In large part, the comments demonstrate the willingness on the part of DBS providers, as the Denver Area Educational Telecommunications Consortium and other public interest groups ("DAETC et al.") recognize, to "think creatively" about how best to fulfill Congress' mandate as set forth in Section 25 of the Cable Consumer Protection and Competition Act of 1992 ("1992 Cable Act") (47 U.S.C. § 335).

Like PRIMESTAR (a medium power direct-to-home provider), current and future DBS providers and/or permittees such as DIRECTV, Inc. ("DIRECTV"), United States Satellite Broadcasting Company, Inc. ("USSB"), EchoStar Satellite Corporation ("EchoStar"), TEMPO Satellite, Inc. ("TEMPO"), and American Sky Broadcasting L.L.C. ("ASkyB") have acknowledged their responsibilities under Section 25. Their comments evidence a general consensus concerning industry-driven solutions that will fulfill the political access and advertising requirements of Section 25 and foster the development and distribution of quality public interest programming, thus achieving the objectives voiced by Congress and the Commission.

In evaluating the proposals presented not only by DBS providers, but also by the host of public interest groups and other participants in this proceeding, the Commission should not lose sight of the fact that the DBS service is still in its nascency. Thus, DBS cannot be overregulated if it is to be a viable source of competition to other multichannel video programming distributors ("MVPDs").

Some commenters erroneously characterize the DBS service as "mature," and therefore able to shoulder a host of regulatory burdens, which, the same commenters argue, ultimately would benefit the public. In reality, however, excess regulation would disserve the public interest by inhibiting the ability of DBS providers to respond to the needs of subscribers and/or develop new services. As TEMPO observes, "a robust DBS industry is critical to ensuring that consumers can, now and in the future, receive the public benefits intended by Congress." TEMPO Comments at 6. Increasing the percentage of DBS channel capacity to be set-aside for public interest programming above 4%, or creating a separate set-aside for children's programming, or requiring that channel capacity be provided free of charge, as suggested by some commenters, for example, would serve only to "shackle this new and growing industry at the starting gate." TEMPO Comments at 4.

Similarly, the wholesale importation into the DBS service of regulatory requirements applicable to cable operators, such as syndicated exclusivity, program access requirements, channel occupancy limits, sports blackouts and leased access, has no statutory basis and in no way would serve to further Congress's underlying objectives in Section 25 of the 1992 Cable Act. PRIMESTAR does not disagree with that subset of commenters, such as the National Cable Television Association ("NCTA"), Time Warner Cable, U.S. West and others, who advocate review of the public interest and other regulatory

requirements imposed on cable operators with the ultimate aim of removing those that are unduly burdensome without counter-vailing benefit. This proceeding, however, is not the appropriate forum for such a review.

PRIMESTAR urges the Commission to adopt what appears to be a widely-based consensus to implement Section 25 in a flexible manner. Specifically, as discussed further below, the Commission's rules should (i) give DBS providers ample discretion to fulfill reasonable access and political advertising requirements, (ii) establish a four percent capacity reservation for public interest programming, (iii) adopt a broad construction of the definition of public interest programming, and (iv) support the creation of a non-profit industry clearinghouse to administer and coordinate the pool of public interest programming available to DBS providers.

II. DISCUSSION

A. Political Programming Requirements

The majority of commenters agree that, while the broadcast rules regarding reasonable access and equal opportunities for political candidates can serve as a model from which to fashion rules applicable to DBS, the broadcast rules should not be applied "as is." Instead, the Commission must tailor these rules to accommodate the differing characteristics of the multichannel DBS service. See, e.g., Satellite Broadcasting and Communications Association ("SBCA")

Comments at 15-18; DIRECTV Comments at 19; ASkyB Comments at 5.

Specifically, the Commission should require DBS providers to grant reasonable access only to qualified federal candidates for national office (i.e., President and Vice President). Additionally, the Commission should apply its long-standing policy of relying upon the good faith judgments of licensees to provide reasonable access to federal candidates and of determining compliance on a case-by-case basis. Like cable operators, DBS providers should not be required to provide equal opportunities to candidates on the same channel or take into account the demographics of channels. Instead, they should be deemed to have satisfied their obligations provided the channels used have audiences of comparable size.

ASkyB's comments raise another important issue regarding the DBS service. For the vast majority of channels carried on DBS systems, the DBS operators do not control programming selection or sales of advertising time. Many standard program carriage agreements forbid the alteration of the programming content, including the insertion of any commercials.[2] PRIMESTAR joins ASkyB, therefore, in urging the Commission to

---

[2] DAETC suggests that where such contractual agreements prevent a DBS provider from giving a candidate reasonable access or equal opportunities, the Commission should preempt the contract to permit access. DAETC Comments at 9. This proposal has no statutory basis and would wreak havoc upon existing business relationships.

apply political programming requirements only to channels over which the DBS operator controls the content or the sale of advertising time.

PRIMESTAR disagrees with ASkyB's proposal, however, that the formula for calculating the lowest unit charge ("LUC") for political advertising should be the discounted price paid by qualified educational parties to lease DBS capacity for public interest programming. ASkyB Comments at 4. There is no statutory authority for calculating the LUC on this basis. Rather, Section 25 refers specifically to Section 315 of the Communications Act, which contains the LUC requirement. The Commission has well-established rules and principles, applicable to broadcasters and cable operators, for calculating the LUC under Section 315. Those principles should apply equally to DBS providers, to the extent that they sell advertising now or in the future.

B. Other Public Interest Requirements

As stated in its initial comments in this proceeding, PRIMESTAR firmly believes that the Commission should not consider the imposition of any further public interest obligations on DBS providers given the significant obligations imposed by Section 25 and the considerable voluntary public interest efforts undertaken by DBS providers. Given the newness[3] and the still uncertain future of the DBS service,

---

[3] While some commenters in this proceeding attempt to characterize the DBS service as "mature," the facts belie such a conclusion. DIRECTV launched its first satellite

Continued on following page

the negative ramifications of extending DBS providers' public interest obligations beyond those specifically articulated in Section 25 would be severe. See ASkyB Comments at 13-14; TEMPO Comments at 5-6; DIRECTV Comments at 2-3.

Of particular concern are those proposals which suggest that Section 25(a) imposes on DBS providers an obligation to set-aside channel capacity for particular types of programming that is separate and distinct from that specified in Section 25(b). DAETC, for example, advocates a 3% set-aside for civic, children's educational, and/or fine arts programming over and above the capacity to be set aside for "noncommercial programming of an educational or informational nature" pursuant to Section 25(b). DAETC Comments at 6-7. The comments filed by the Center for Media Education et al. ("CME") contain a similar proposal.

PRIMESTAR is encouraged by the participation in this proceeding of groups representing the interests of children, consumers, minorities, educational institutions and others. PRIMESTAR looks forward to working with these groups and other DBS providers to increase the quality, quantity, and availability of public interest programming that will suit the needs of a variety of audiences. Through the cooperative efforts of DBS providers and public interest groups there is

---

Continued from previous page

less than three years ago, and four other DBS permittees have yet to launch their first satellite.

promise of creating a large pool of qualified programming from many different sources, that can be attractively packaged and promoted.

This common goal of providing high quality public interest programming to a broad range of viewers will not be achieved, however, through additional set-asides, such as those proposed by DAETC and CME. First of all, there is absolutely no statutory basis in Section 25 or elsewhere for the types of additional set asides proposed. Furthermore, to ensure the availability of public interest programming, there must be a regulatory approach which gives DBS providers appropriate flexibility and incentives to respond to consumer demands. Additional set-asides for specific program categories would eliminate this necessary flexibility and inhibit the ability of DBS providers to serve the evolving needs of viewers and to develop new services.[4]

---

[4] PRIMESTAR fully anticipates that DBS providers will package and promote a wide variety of public interest programming, including children's programming, in meeting their obligations under Section 25(b). In fact, PRIMESTAR already has indicated its desire to include among its program offerings a service to be developed by the Children's Television Workshop, along with the educational programming geared toward children provided by PBS, The Learning Channel, and others.

C. Carriage Obligations for Noncommercial Programming of an Educational or Informational Nature

1. Definition of Channel Capacity

As PRIMESTAR and other commenters have recognized, although Congress directed DBS providers to reserve a certain portion of their "channel capacity" for public interest programming, the statute is silent as to the definition of "channel" and how such channel capacity should be measured. PRIMESTAR reiterates that, for purposes of applying the percentage set-aside requirement, the Commission should look to the number of circuits on a DBS provider's satellite system that is devoted to providing non-duplicative full motion video program services to subscribers. Under this proposal, certain circuits on a DBS satellite system would be excluded from the calculation, including circuits used to provide operational information about the DBS service, barker circuits, audio-only circuits,[5] circuits containing stationary video (i.e., slides), circuits used for duplicative video services (such as those which provide foreign language sound tracks or other such accommodations for consumer convenience) and circuits used for program guides and business communications. In order to avoid the set-aside of partial full motion video circuits,

---

[5] PRIMESTAR agrees with TEMPO and ASkyB that the Commission's decision not to adopt public interest obligations for Digital Audio Radio Services ("DARS") militates against application of the set-aside provisions to DBS audio-only services.

the number of circuits to be set-aside should be calculated using the step-system advocated by the SBCA and supported by the majority of DBS providers.

Rather than require the set-aside of capacity on a full circuit basis as suggested by Encore,[6] the Commission should adopt the cumulative hour approach advocated by a consensus of DBS providers. A cumulative hour measurement will allow a DBS provider to program dayparts in a manner which maximizes the appeal and availability of different types of public interest programming to target audiences, thereby maximizing the programming's exposure to a receptive audience. As TEMPO notes, "a cumulative hour approach promotes creative and consumer-responsive packaging of program services." TEMPO Comments at 10.

2. Amount of Channel Capacity to Be Set Aside

The Commission should require an across-the-board set aside of 4% of channel capacity for qualifying public interest programming. DBS is still a young, evolving service. Given the Commission's stated desire not to hinder the ability of DBS providers to compete, "the 4% statutory minimum is the appropriate starting point for implementing this obligation." DIRECTV Comments at 5. As ASkyB states, given the infancy of the DBS service and the "uphill battle" it still faces against other MVPDs, "the Commission should limit the number of

---

6 Encore Comments at 15-16.

channels over which DBS operators have no editorial discretion to the minimum number necessary to serve the statutory purpose." ASkyB Comments at 13. Further, as DIRECTV points out, because of "continued advances in digital compression technology, the absolute number of channels that the 4% capacity reservation represents will continue to increase." DIRECTV Comments at 5.

3. Qualifying Public Interest Programming

In large part, the comments submitted in this proceeding support the creation of a non-profit corporation, under Section 501(c)(3) of the Internal Revenue Code, that would serve as a "clearinghouse" to administer and coordinate the pool of public interest programming available to DBS providers. This non-profit corporation's responsibilities would include: (1) setting standards and criteria for program eligibility; (2) screening programmer applicants that desire DBS carriage; and (3) serving as a forum for an ongoing dialogue among DBS representatives, public interest organizations and educational groups. The creation of this type of clearinghouse has received support not only among DBS providers, but also from public interest groups. See, e.g., DAETC Comments at 18.

a. Definition of Public Interest Programming

PRIMESTAR concurs with DIRECTV, USSB, ASkyB and others that "noncommercial programming of an educational or informational nature" should be construed broadly by the Commission to permit DBS providers as much flexibility as

possible in tailoring public interest programming to their national audiences. DBS providers should be encouraged to package attractive public interest programming as they see fit, and to choose such programming from a pool of quality programming that is not gathered solely from or produced solely by an extremely limited number of sources.

To this end, PRIMESTAR agrees with ASkyB that the Commission should "define this programming in terms of its goals rather than its subjects," much as it has done in defining educational and informational programming for children. ASkyB Comments at 16. Given these general guidelines, the aforementioned non-profit corporation would evaluate and certify or approve specific programming according to uniform criteria.

Finally, PRIMESTAR reiterates that the Commission should make clear that programming currently provided by PBS, and C-SPAN I and II, should automatically qualify as public interest programming which is credited toward fulfilling a DBS service provider's obligation under Section 25. PRIMESTAR sees no basis for limiting a DBS provider's credit for distributing this programming, however, to 50% of its overall channel set-aside obligation, as there is no basis upon which to distinguish this public interest programming from any other which meets the criteria. In fact, as PRIMESTAR amply demonstrated in its Further Comments, PBS and C-SPAN are precisely the types of programming contemplated by Congress in enacting Section 25. These services should not be relegated to a

secondary or "discounted" status simply by virtue of their preexistence.

b. Definition of National Educational Programming Supplier

Section 25 defines the term "national educational programming supplier" to include any qualified noncommercial educational television station, other public telecommunications entities, and public or private educational institutions. PRIMESTAR supports ASkyB's proposal that the term "public telecommunications entity" be deemed to include political parties, candidates for federal office, and other non-profit groups to the extent that they sponsor debates or other discussions of national importance, and that the resulting programming would count toward DBS providers' public interest programming obligations. ASkyB Comments at 18.

PRIMESTAR also urges the Commission to make clear that the universe of programmers from which DBS providers may select programming which satisfies their public service obligations is not limited to "national educational programming suppliers." Accordingly, PRIMESTAR concurs with those commenters such as America's Health Network ("AHN"), who submit that "implementing rules that restrict the sources of programming on the reserved channel capacity to a select few entities would be inconsistent with the [statute's] legislative purpose." AHN Comments at 5. The Commission should encourage, and the non-profit corporation should adopt, a comprehensive approach toward eligible programming sources --

one that includes any entity that provides qualified programming on a commercial free or otherwise noncommercial basis. Such an approach would benefit the public by taking the "utmost advantage of the array of unique and valuable educational and informational fare that currently exists as well as by encouraging other programmers to provide types of programming contemplated" by Section 25. AHN Comments at 6.

4. Mechanics for Fulfilling Set Aside Requirement

As stated above, DBS providers should be free to fulfill the set-aside requirement with any programming and/or programmer that fits the qualifications established by the non-profit corporation, including established programming such as that provided by PBS and/or C-SPAN. Although Section 25(b) provides that DBS providers are to have no "editorial" control over the content of the public interest programming, DBS providers should be entrusted with the discretion to determine the appropriate mix of programming that will enable them to present an integrated line-up that maximizes program quality and diversity while also attracting the greatest amount of consumer interest. This would include choosing programming from among the pool of programming certified by the aforementioned non-profit corporation, or creating and/or soliciting programming that, in the provider's good faith determination, satisfies the criteria for eligibility for public interest programming established by the non-profit corporation. Such a flexible approach is the best way to

ensure the production and distribution of a diverse range of public interest programming.

Certain commenters in this proceeding have interpreted Section 25(b) to mean that DBS providers are prohibited from choosing public interest programming and integrating it into their service packages because of the statute's directive that DBS providers not exercise any "editorial" control over the video programming provided under the statute. DAETC Comments at 17-18. DAETC suggests further that educational programmers meeting the non-profit corporation's guidelines would be eligible for capacity on a first come, first served basis.

PRIMESTAR disagrees with these interpretations, which would remove from DBS providers any ability to select from among programming and/or programmers in meeting their public interest programming obligations. On its face, Section 25(b)(1) does not prohibit DBS providers from selecting public interest programming from an array of qualified programming. As DIRECTV points out and as the courts have recognized in the somewhat analogous context of the provision of Internet on-line services, a provider's status as a program "packager," which admittedly involves the exercise of some discretion by the provider in choosing which program channels to carry, generally does not rise to the level of editorial control. See DIRECTV Comments at 9; Cubby, Inc. V. Compuserve, Inc., 776 F. Supp. 135, 140 (S.D. N.Y. 1991).

Sound public policy also dictates that DBS providers be permitted to select and package public interest programming.

As DIRECTV states, the Commission should recognize that interpreting Section 25(b) in a manner that permits DBS providers to package quality noncommercial educational and informational program channels and offerings in creative and subscriber-friendly ways will further the public interest in making available attractive public interest programming services. DIRECTV Comments at 12. PRIMESTAR also agrees with USSB that "there is no basis for distinguishing the broad editorial discretion of broadcasters under the First Amendment and that of DBS operators." USSB Comments at 5. Therefore, PRIMESTAR opposes any prohibition on DBS providers selecting public interest programming as well as the allocation of DBS set-aside capacity among programmers pursuant to a lottery or first-come, first-served procedure.

5. Pricing

Section 25 requires that DBS providers afford to the limited universe of "national educational programming suppliers" ("educational programmers") access to reserved capacity at no more than 50% of the total direct cost of making such channels available. The statute does not, however, extend this reduced rate to others using the capacity to provide public interest programming, nor does it mandate that the discounted lease arrangement is the only way that programming produced by educational programmers may be carried. The Commission should make clear, therefore, that the reduced rate does not apply to <u>all</u> those using the reserved channel capacity, and that DBS providers are free to

pay license fees to, or have other arrangements with, educational programmers in lieu of discounted leases.

The Commission also should eschew the notion that rates should be set far below 50% of direct costs, so that the cost of access is at, or near, zero. See e.g., DAETC Comments at 22; Research TV Comments at 22. There simply is no statutory basis for doing so. Congress has determined expressly that "reasonable prices" for such access amount to no more than 50% of direct costs of making the channel available. See H.R. Rep. 102-628, 102nd Cong., 2nd Sess. (1991).

6. Schedule for Implementation

In order to effect the consensus solutions proposed in the comments in this proceeding, particularly the creation and start-up of a non-profit corporation that will certify qualified programmers and/or programming, the Commission must allow ample time for phase-in of the rules it adopts pursuant to Section 25. A two-year phase-in period, as suggested by SCBA, is a reasonable time to arrange for compliance without undue complications.

D. This Proceeding Is Not the Appropriate Forum for Review of the Regulatory Restraints Applicable to Cable Operators

The cable interests commenting in this proceeding, among them the NCTA, the Small Cable Business Association ("SCBA"), Time Warner Cable ("TWC"), and U.S. West, submit that in the interest of "regulatory parity," the Commission should extend to the DBS service numerous regulatory and program carriage

restrictions applicable to cable operators. See, e.g., TWC Comments at 6; SCBA Comments at 16.

PRIMESTAR does not disagree with those commenters that suggest that a comprehensive review of the regulatory obligations applicable to cable operators may be warranted. This rulemaking proceeding is not the appropriate forum in which undertake such a review, however, no matter how legitimate the arguments underlying such a review might be.

As the Reply Comments being submitted today by the SBCA demonstrate in detail, DBS and cable are separate and distinct services, and a wholesale importation of the cable rules to DBS are not warranted. More importantly, Section 25 provides no statutory basis for application of the cable rules to DBS.

E. Other

As stated above, PRIMESTAR is encouraged by the degree of interest in this proceeding that has been shown by a wide variety of public interest groups. It is PRIMESTAR's hope that this interest and enthusiasm will translate into increased production and distribution of high quality public interest programming.

Several of the comments submitted by these public interest groups, however, evidence a lack of understanding about the workings of the DBS service, or contain proposals which are completely beyond the pale of what is contemplated by Section 25. As discussed supra, there is no statutory basis for creating a 3% set-aside for particular classes of programming over and above the set-aside created by Section

25(b). Further, to suggest that existing program contracts that prohibit DBS providers from altering the programming content of the networks they license be preempted is unworkable and unwarranted. Similarly, proposals to "tax" DBS providers so as to fund the creation of public interest programming, as suggested by DAETC, or to afford access without charge, as advocated by Research TV, have no basis in law or policy and should be summarily dismissed by the Commission.

III. CONCLUSION

For the foregoing reasons, the Commission should craft rules applying the DBS public service obligations contemplated in Section 25 consistent with the positions stated herein and in the PRIMESTAR's Further Comments in this proceeding.

Respectfully submitted,

PRIMESTAR PARTNERS L.P.

By: _____

Benjamin J. Griffin
Kathleen A. Kirby
REED SMITH SHAW & McCLAY
1301 K Street, N.W.
Suite 1100 - East Tower
Washington, D.C. 20005
(202) 414-9200

Its Attorneys

May 30, 1997

CERTIFICATE OF SERVICE

I, Jette Ward, a secretary with the law firm Reed Smith Shaw & McClay, hereby certify that on this 30th day of May, 1997, I have caused to be delivered the foregoing **"REPLY COMMENTS OF PRIMESTAR PARTNERS L.P."** by first class mail, postage prepaid, to the following persons:

Marvin Rosenberg, Esquire
David Vaughan, Esquire
Holland & Knight LLP
Suite 400
2100 Pennsylvania Ave., N.W.
Washington, D.C. 20037-3202
Counsel for USSB

Gary M. Epstein, Esquire
James H. Barker, Esquire
Latham & Watkins
1001 Pennsylvania Ave., N.W.
Suite 1300
Washington, D.C. 20004
Counsel for DIRECTV, Inc.

Daniel L. Brenner, Esquire
Loretta Polk, Esquire
National Cable Television
Association, Inc.
1724 Massachusetts Ave., N.W.
Washington, D.C. 20036

Robert Alan Garrett, Esquire
William E. Cook, Esquire
Marcia A. Cranberg, Esquire
Arnold & Porter
555 Twelfth Street, N.W.
Washington, D.C. 20004-1206
Counsel for Research TV

Gigi B. Sohn, Esquire
Andrew Jay Schwartzman, Esquire
Joseph S. Paykel, Esquire
Media Access Project
1707 L Street, N.W.
Suite 400
Washington, D.C. 20036
Counsel for DAETC, et al.

Scott Blake Harris, Esquire
William M. Wiltshire, Esquire
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Counsel for ASkyB

Ellen S. Agress, Esquire
Sr. V.P. and General Counsel
American Sky Broadcasting LLC
1211 Avenue of the Americas
New York, NY 10036

Joseph A. Maddox, Jr.
President and COO
America's Health Network
1000 Universal Studio Plaza
Building 22A
Orlando, FL 32819-7610

Andrew R. Paul, Esquire
Senior Vice President
Satellite Broadcasting &
Communications Association
225 Reinekers Lane
Suite 600
Alexandria, VA 22314

Aaron I. Fleischman, Esquire
Arthur H. Harding, Esquire
Christopher G. Wood, Esquire
Regina F. Pace, Esquire
Fleischman and Walsh, L.L.P.
1400 16th Street, N.W.
Suite 600
Washington, DC 20036
Counsel for Time Warner Cable

Richard E. Wiley, Esquire
Todd M. Stansbury, Esquire
Wiley, Rein & Fielding
1776 K Street, NW
Washington, DC 20006
Counsel for TEMPO Satellite, Inc.

Daniel J. Victor, Esquire
Executive Vice President
and General Counsel
Children's Television Workshop
One Lincoln Plaza
New York, NY 10023

Eric E. Breisach, Esquire
Christopher C. Cinnamon, Esquire
Kim D. Crooks, Esquire
Howard & Howard
The Kalamazoo Building, Suite 400
107 West Michigan Avenue
Kalamazoo, MI 49007-3956
Counsel for the Small Cable
Business Association

J. Steven Beabout, Esquire
Richard H. Waysdorf, Esquire
Encore Media Corporation
Suite 600
5445 DTC Parkway
Englewood, CO 80111

Robert J. Sachs, Esquire
Margaret A. Sofio, Esquire
U S West, Inc.
The Pilot House
Lewis Wharf
Boston, MA 02110

Brenda L. Fox, Esquire
Gregory L. Cannon, Esquire
U S West, Inc.
Suite 700
1020 19th Street, N.W.
Washington, DC 20036

Philip L. Malet, Esquire
Pantelis Michalopoulos, Esquire
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
Counsel for EchoStar

David K. Moskowitz, Esquire
Senior Vice President
and General Counsel
EchoStar Communications Corporation
90 Inverness Circle East
Englewood, CO 80112

Lori Anne Dolqueist, Esquire
Angela J. Campbell, Esquire
Institute for Public Representation
Georgetown University Law Center
600 New Jersey Avenue, NW
Washington, DC 20001
On behalf of Center for Media
Education et al.

Jette Ward